

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION

JANE DOES 1-9,

Plaintiffs,

v.

COLLINS MURPHY et al.,

Defendants.

CASE NO. 7:20-CV-00947-DCC

JANE DOE,

Plaintiff,

v.

COLLINS MURPHY et al.,

Defendants.

CASE NO. 7:21-CV-03193-DCC

**DEFENDANTS MG FREESITES, LTD AND MINDGEEK S.Á R.L.’S MOTION FOR  
EXTENSION OF TIME TO FILE MOTION TO COMPEL  
INDEPENDENT MEDICAL EXAMINATIONS PURSUANT TO RULE 35, FRCP**

Pursuant to Rule 6.01 of the Local Civil Rules for the United States District Court, District of South Carolina, Defendants MG Freesites, Ltd., and Mindgeek S.Á R.L. (collectively, “Mindgeek”) file this Motion for Extension of Time to File any necessary Motion to Compel Plaintiffs’ Independent Medical Examinations (“IMEs”) pursuant to Rule 35, FRCP, and in support thereof states as follows:

1. On March 20, 2024, Plaintiffs and Mindgeek filed a Joint Stipulation Regarding IMEs (the “Joint Stipulation”). The Joint Stipulation required all of Plaintiffs’ depositions to be completed by April 26, 2024, the parties to meet and confer on all issues relating to IMEs by May

10, 2024, and Defendants to file any necessary motion regarding the IMEs on or before May 15, 2024.

2. Defendants completed nine of ten of the Plaintiffs' depositions by the April 26, 2024 deadline. Defendants have not yet deposed Jane Doe 10, as they are waiting on the receipt of Jane Doe 10's medical records from out-of-state providers. All parties are working to schedule this deposition as soon as possible.

3. Defendants' counsel and Plaintiffs' counsel met and conferred on May 9, 2024 to discuss the outstanding IME issues for all Plaintiffs.

4. During the meet and confer, as a part of its good-faith negotiations, Mindgeek agreed to not seek IMEs of three Plaintiffs based on their medical history and deposition testimony. The parties reached an impasse as to whether the IMEs are warranted for four Plaintiffs. The parties are still in the process of meeting and conferring on the scope of the IMEs of two additional Plaintiffs. Plaintiffs' counsel agreed to provide, in writing, proposed protocols for such IMEs for Mindgeek's consideration, but has not provided such written protocols to date. Further, no decision can be made as to the need for an IME of Jane Doe 10 until her deposition has been completed.

5. Filing a Motion to Compel the IMEs of the four Plaintiffs for whom the parties have reached an impasse, while the meet and confer process is ongoing as to two other Plaintiffs, and while Defendants are awaiting the deposition of Jane Doe 10, would potentially necessitate filing multiple motions with the Court on the IME issues.

6. In the interests of judicial economy and efficiency, Mindgeek requests a brief extension of the May 15, 2024 deadline, until **May 30, 2024**, to file any necessary motion for the IMEs. We expect that the requested extension would allow the parties to complete the meet and

confer process regarding Plaintiffs' forthcoming proposed protocols for the IMES of two of the Plaintiffs, and allow the deposition and meet and confer process to occur for Jane Doe 10<sup>1</sup>.

7. Counsel for Mindgeek has requested consent from Plaintiffs' counsel, but has not yet received a definitive response.

WHEREFORE, Mindgeek respectfully requests this Court grant its Motion for Extension of Time to file any necessary motions related to IMEs pursuant to Rule 35, FRCP, and enter an order extending the time to file such motion until May 30, 2024.

Respectfully submitted,

**TURNER PADGET GRAHAM & LANEY,  
P.A.**

s/Mark B. Goddard

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**ATTORNEYS FOR DEFENDANTS  
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LTD.**

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<sup>1</sup> On May 10, 2024, the Court issued a Text Order related to all parties submitting proposed amended scheduling orders. Mindgeek's proposed scheduling order is due on or before May 22, 2024.